

MARION CONSERVATION COMMISSION

MINUTES OF THE REGULAR MEETING HELD ON November 17, 2021

Members present via

Zoom: Shaun P. Walsh, Chair (in person at the Marion
Police Station)
Marc Bellanger, Vice Chair
Cynthia Callow, Clerk
Jeff Doubrava, Member
Ethan Gerber, Member
Emil Assing, Associate Member

Conservation Agent: Doug Guey-Lee (via Zoom)

Admin. Assistant: Terri Santos (in person at the Marion Police Station)

Present via Zoom: Dave Davignon, Caitrin Higgins, Jon and Jen Alexander,
Mike Silva, Kitt Sawitsky, Diane Cosman, David Croll, Victoria Croll, Joe
La Rosa, Elizabeth Luther, Scott Horsely.

Meeting convened at 7:00p.m on Wednesday November 17, 2021 at the
Marion Police Station via Zoom and closed to the public. This meeting was
live streamed and video recorded by Old Rochester Community Television
(ORCTV) and audio recorded by the Town of Marion. For any residents
watching the live stream on ORCTV a phone number was provided for any
questions or comments.

HEARINGS/APPOINTMENTS:**7:00pm Continued Public Hearings from November 3, 2021**

John & Pamela A. Lees – Notice of Intent DEP # SE 041-1372, for the
reconstruction of a single-family dwelling, the construction of an in-
ground swimming pool and the repair of a seawall together with associated

34 site work at 49 Water Street. S. Walsh read the public hearing notice into
35 record.

36
37 M. Bellanger motioned to continue the public hearing at the request of the
38 Applicant to December 8, 2021 at 7:00pm, J. Doubrava seconded; S.
39 Walsh, C. Callow, J. Doubrava, M. Bellanger and E. Gerber voted to
40 continue as motioned.

41
42 **Jay G. Flanagan – 26 West Avenue Notice of Intent DEP # SE 041-**
43 **1375**, for a proposed septic system upgrade and garage additions on 26
44 West Avenue. Dave Davignon of Schneider, Davignon & Leone, Inc. was
45 present and reviewed the revisions made to the plan. S. Walsh asked for
46 questions from the Commission and there were none. S. Walsh asked for
47 questions from the community and there were none.

48
49 J. Doubrava motioned to close the public hearing, M. Bellanger seconded;
50 S. Walsh, C. Callow, J. Doubrava, M. Bellanger and E. Gerber voted to
51 close as motioned.

52
53 **J. Thomas Bowler, Jr. & Ellen Bowler 17 Moorings Road – Notice of**
54 **Intent DEP # SE 041-1376**, for vegetation management on 17 Moorings
55 Rd. The site is further identified as Lot 2A on Marion Assessors' Map 20.
56 S. Walsh read the public hearing notice into record. Dave Davignon of
57 Schneider, Davignon and Leone, Inc. was present to represent the
58 applicant and reviewed the changes in the plans. D. Davignon noted that
59 they did a survey of the beach and is reflected on the revised plans. Caitrin
60 Higgins commented that they refined their plans based on the survey.
61 S. Walsh asked for questions from the Commission. E. Assing asked if
62 they were planning to use machinery on the bank. C. Higgins explained
63 that they might use low impact equipment in the lawn to move debris out,

64 confirming it would be equipment like a Dingo. S. Walsh asked for
65 questions from the Public and there were none.

66

67 M. Bellanger motioned to close the public hearing, J. Doubrava seconded;
68 S. Walsh, C. Callow, J. Doubrava, M. Bellanger and E. Gerber voted to
69 close as motioned.

70

71 **7:10 Public Hearing - Kitt and Heather Sawitsky, 75 Holly Road (Map**
72 **2, Lot 116)** Request for Determination of Applicability for the planting of
73 trees and bushes. S. Walsh read the public hearing notice into record. S.
74 Walsh asked why blueberry bushes were to be planted. Kitt Sawitsky
75 explained that they thought the blueberry bushes would be most
76 acceptable from the conservation standpoint. D. Guey-lee commented that
77 the plan looked straightforward and beneficial. S. Walsh asked for
78 questions from the Commission and the Public and there were none.

79

80 J. Doubrava motioned to close the public hearing, M. Bellanger seconded;
81 S. Walsh, C. Callow, J. Doubrava, M. Bellanger and E. Gerber voted to
82 close as motioned.

83

84 **7:20 Public Hearing – Jonathan & Jennifer Alexander, 24 Brookhaven**
85 **Lane (Map 22, Lot 19H)** – Notice of Intent (DEP SE 041-1378) for a
86 proposed house addition and deck expansion. S. Walsh read the legal
87 notice into the record. D. Davignon of Schneider, Davignon and Leone
88 explained the application and proposed work. He noted that they had a
89 botanist delineate the border of the vegetative wetlands and the mean
90 annual high water line. S. Walsh commented that they do not get many
91 riverfront filings and the goal of the regulations is to keep construction as
92 far away from the riverfront as possible. S. Walsh asked why the master
93 bedroom was not put on the South west side of the house. D. Davignon
94 explained that they could not put the master on that side of house without

95 gutting the house. Michael Silva shared the floor plan of the house and
96 explained that logistically it is difficult to move the addition, as the
97 mechanical systems do not work. S. Walsh also suggested possibly
98 putting on the master above the garage. S. Walsh asked what the plastic
99 sheeting was. Jon Alexander explained that his parents, the previous
100 owners had put plastic over knotweed and then went on to explain that
101 with three young children the location of the proposed addition is best. D.
102 Guey-Lee commented the he did reach out to the State about the
103 regulations and the Commission could ask the applicant to evaluate the
104 standards against their project and go item by item or request an
105 alternative analysis of the project. After discussion about the regulations
106 and the possibility that this could qualify as a redevelopment project. S.
107 Walsh suggested that D. Davignon and D. Guey-Lee have conversations,
108 consult with the State and continue the Public Hearing to December 8,
109 2021. E. Assing asked about what the boulders that were on the property
110 and said would like to know how long they had been there. D. Davignon
111 noted that he did not know and would look into it. S. Walsh asked if the
112 Commission and the Public had any other questions and there were none.

113
114 J. Doubrava motioned to continue the public hearing to December 8, 2021
115 at 7:00pm, M. Bellanger seconded; S. Walsh, C. Callow, J. Doubrava, M.
116 Bellanger and E. Gerber voted to continue as motioned.

117
118 **7:30 Public Hearing Marion Lands Trust, LLC 371 Wareham Street**
119 **Map 11, Lots 68B and 134 Notice of Intent (DEP SE 041 - 1377)**
120 submitted by Marion Lands Trust, LLC, for a proposed driveway. S. Walsh
121 read the legal notice into the record. S. Walsh commented after the site
122 visit they had questions, the wetlands were difficult to see and to measure
123 how much space there was. The ANR plan submitted had wetlands that
124 do not match up on the plan which was submitted and they would like to
125 make sure are accurate. D. Davignon explained that lines were different

126 because the wetlands line on the ANR plan was approved in 2006. D.
127 Guey-Lee commented that lines do change and two or three qualified
128 professionals can all draw different lines and if it is a vegetative analysis
129 then would have a protocol for it and if it were ambiguous, they would use
130 soil tests. D. Guey – Lee commented that that it needs to clear to the
131 commission what vegetation would be removed. S. Walsh suggested that
132 LEC meet the Commission and/or Doug on site during the week, see soils
133 done and have the edge of the driveway staked. D. Davignon noted that
134 he would contact LEC to mark the easterly edge of driveway, do a soil
135 analysis, give measurements on either side of the flags, and put on the
136 plan. D. Guey – Lee commented that they could also submit a report. S.
137 Walsh asked for comments from the Commission and the consensus was
138 to have a better understanding of the wetlands. S. Walsh asked for
139 comments from the Community and there were none.

140
141 M. Bellanger motioned to continue the public hearing to December 8, 2021
142 at 7:00pm, J. Doubrava seconded; S. Walsh, C. Callow, J. Doubrava, M.
143 Bellanger and E. Gerber voted to continue as motioned.

144
145 **David Croll, 10 Lewis Street (Map 16 Lot 98) – Request for**
146 **Determination of Applicability**, for an addition and covered porch. S.
147 Walsh read the public hearing notice into record. D. Davignon noted that
148 there was an error in the original legal advertisement so they ran a revised
149 ad in the Standard Times to cover the five - day requirement. D. Davignon
150 explained the request. S. Walsh asked the Commission, and the
151 Community for questions. D. Guey-Lee asked if there were activities going
152 on under an existing permit. D. Davignon explained that contractors were
153 digging and were told to stop excavation of the site. Joe Larosa contractor
154 on the project noted that construction had stopped although there was
155 still work being done on the interior of the home.

J. Doubrava motioned to close the public hearing, M. Bellanger seconded; S. Walsh, C. Callow, J. Doubrava, M. Bellanger and E. Gerber voted to close as motioned.

ACTION ITEMS:

Marion Lands Trust, LLC – Wareham Street (Map 11, Lot 68B) DEP SE 041-1330 discussion on proposed site plan changes. S. Walsh confirmed that this project went in front of the Planning Board and the Applicant reconfigured the property lines. D. Davignon confirmed that there is no change to the work that had been approved. D. Guey Lee also confirmed it did not change the details of the permit.

S. Walsh motioned to accept revised plans as the new plan of record and that no further amendment to the order of Conditions is necessary, seconded by M. Bellanger, J. Doubrava; S. Walsh, C. Callow, J. Doubrava, M. Bellanger and E. Gerber approved as motioned.

Budget – FY 23 – S. Walsh asked for comments from the Commission and suggested they could take up later.

APPROVAL OF MINUTES: J. Doubrava motioned to approve the October 12, 2021 minutes, seconded by M. Bellanger; J. Doubrava; S. Walsh, C. Callow, J. Doubrava, M. Bellanger and E. Gerber voted to approve as motioned.

J. Doubrava motioned to approve the November 3, 2021 minutes,

Conservation Commission 11/17/2021

seconded by M. Bellanger; J. Doubrava; S. Walsh, C. Callow, J.

Doubrava, M. Bellanger and E. Gerber voted to approve as motioned.

ISSUANCES:

Jay G. Flanagan – 26 West Avenue - Notice of Intent DEP # SE 041-

1375 C. Callow motioned to approve an Order of Conditions, seconded

by E. Gerber; S. Walsh, C. Callow, J. Doubrava, M. Bellanger and E.

Gerber voted to approve as motioned.

Thomas Bowler, Jr. & Ellen Bowler 17 Moorings Road Map 20, Lot 2A

– Notice of Intent DEP # SE 041-1376; M. Bellanger motioned to approve

an Order of Conditions, seconded by E. Gerber; J. Doubrava; S. Walsh,

C. Callow, J. Doubrava, M. Bellanger and E. Gerber voted to approve as

motioned.

Kitt and Heather Sawitsky, 75 Holly Road (Map 2, Lot 116) Request

for Determination of Applicability; E. Gerber motioned to issue a Negative

Determination Box #3 and Box #5; J. Doubrava seconded; E. Gerber, J.

Doubrava, C. Callow, S. Walsh, M. Bellanger voted to approve as

motioned.

David Croll, 10 Lewis Street (Map 16 Lot 98) – Request for

Determination of Applicability. J. Doubrava motioned to issue a Negative

Determination Box #2 and Box #3; M. Bellanger seconded; E. Gerber, J.

Conservation Commission 11/17/2021

206 Doubrava, C. Callow, S. Walsh, M. Bellanger voted to approve as

207 motioned.

208

209 Motion made by E. Gerber to adjourn at 9:40pm, seconded by M.

210 Bellanger; J. Doubrava, C. Callow, S. Walsh, M. Bellanger voted to approve

211 as motioned.

212 Submitted by Terri Santos, Administrative Assistant

213 Approved: 12/8/21

214

215

216

RCVD MARION TOWN CLERK
2022 MAR 11 PM2:01